

Remarks/Arguments

Claims 1-15 are pending in the application. Claims 1-15 are rejected. Independent claims 1 and 8 are canceled, and new independent claims 16 and 17 are submitted for entry to replace, respectively, claims 1 and 8.

Claim Rejections Under 35 USC § 103

Claims 1-3 and 6-5 are rejected under 35 USC 103(a) as being unpatentable over Bauer (US Pat. 5,870,759) in view of Brunson (US Pat. 5,647,002) or Alley et al. (US Pat. 5,845,282).

The Bauer reference is the primary reference for the rejections. Bauer is directed to management of a common database shared by a plurality of users in an organization's production system. (Col. 1, lns 9-17.) To facilitate sharing, Bauer replicates a server-based database at a plurality of client nodes. (See, e.g., Col. 6, lns 16-24.) The client systems therefore use the same data, albeit not necessarily in the same program applications. Accordingly, Bauer does not contemplate that different devices across a data network may not be able to use the same data format or encoding. In fact, having client systems configured to use only the same format is consistent with Bauer's teaching of a common database for an organization's production system and the need for reduced communication costs and delays. (Col. 1, lns 56-59.) In contrast the present invention claims an intermediate server that enables selective synchronization of specific devices across a network even though the devices cannot communicate either directly or through an intermediate server that replicates a database at client nodes, as in the case of Bauer. In part, the present invention accomplishes this by manipulating data at the server.

The Examiner considers Bauer to disclose manipulation of data at the server. However, the Examiner has not cited any specific passage in Bauer where such a manipulation is disclosed. Thus, the Office Action fails to meet the requirements of MPEP § 707.07(d): "Where

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a claim is refused the ground of rejection [should be] fully and clearly stated." Applicant is therefore unable to respond to the rejection because no reference has been made to anything in Bauer that specifically corresponds to the recited limitation concerning manipulation. The Examiner is respectfully requested to specifically identify what is considered to be the manipulation, or the rejection should be withdrawn.

Applicant submits that Bauer does not disclose a manipulation of data or information in the context of Applicant's specification. Bauer is foremost concerned with the maintenance of a centralized database for an organization that is commonly used by multiple client nodes. On the other hand, the present invention is foremost concerned with enabling data transfer from one device to one or more other corresponding devices for a particular user. The devices that can access the common, intermediate server do not need updates of all data from the server database, only the data for specific corresponding device. Any given pair of devices, for example, may have data transfer requirements different from any other given pair. Bauer does not contemplate this—it teaches a server-centric database that allows for all client nodes to be uniformly and indiscriminately synchronized with the contents of the central database.

New independent claims 16 and 17 have been added to eliminate unnecessary limitations and verbiage. The claims clearly distinguish over the Bauer system, alone or in combination with the other cited references. For example, the claims recite selective transfer of data based on the server determining a particular set of corresponding apparatuses for a particular user from a plurality of sets for a plurality of users. Similar limitations are recited in amended claim 11.

The cancellation of claims 1 and 8 and the amendment of claim 11 should not be construed as acquiescence in any rejection. To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to

combine reference teachings. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). No such suggestion or motivation has been identified in the cited art, and the Applicant respectfully submits that the cited combinations are based on impermissible hindsight reconstruction of the claimed invention. For example, the proposed modification of Bauer would not be desirable. As noted above, Bauer is a server-centric database that replicates the same data format to all clients in an organization's production system. Bauer expressly teaches that a "goal of the database synchronizer is to minimize the cost of synchronization by reducing communication costs and delays in synchronizing the database data" (Col. 1, Ins 56-59.) There would be no reason to complicate the system by configuring different client nodes with different data format requirements or by adding data conversion functionality to the server, per the Brunson or Alley reference.

The amendments do not add new matter; support for the amendments is found, for example, on page 2, line 26 to page 3, line 1 and pages 8-10. New claims 16 and 17 are also supported by this disclosure.

Claims 4-5 stand rejected under 35 USC 103(a) as being unpatentable over Bauer/Brunson or Alley and further in view of Nishino (US Pat. 6,233,452). Insofar as these rejections are premised on Bauer/Brunson or Alley, they are traversed for the same reasons as noted above.

In view of the foregoing reasons for distinguishing over the cited references, Applicant has not raised other possible grounds for traversing the rejections, and therefore nothing herein should be deemed as acquiescence in any rejection or waiver of arguments not expressed herein.

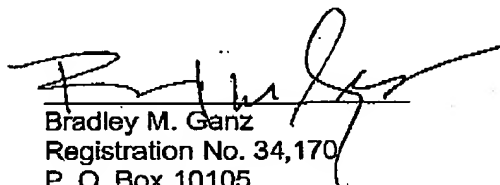
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CONCLUSION

Applicant submits that in view of the foregoing arguments and/or amendments, the application is in condition for allowance, and favorable action is respectfully requested. The Commissioner is hereby authorized to charge any fees, including extension fees, which may be required, or credit any overpayments, to Deposit Account No. 50-1001.

Respectfully submitted,

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